

REMARKS

This is in response to the Office Action dated December 3, 2002. The Office Action first rejected claims 1-2, 8, 9 and 11 under 35 U.S.C. §102(b) as being anticipated by Gilhousen et al., U.S. Patent No. 5,103,459 ("Gilhousen"). The Office Action also
5 rejected claims 3-5 and 7 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Sibecas et al., U.S. Patent No. 5,940,756 ("Sibecas"). The Office Action also rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Sibecas further in view of Takeuchi, U.S. Patent No. 6,208,619 ("Takeuchi"). Finally, the Office Action rejected claims 10 and 12 under 35 U.S.C.
10 §103(a) as being unpatentable over Gilhousen in view of Pohajakallio, U.S. Patent No. 5,502,721 ("Pohajakallio").

To more particularly point out and distinctly claim the invention, applicants have amended claim 1, have added claim 13 and have cancelled claims 2-4. Claims 1 and 5-13 remain under consideration.

102(b) Rejection

The Office Action first rejects claims 1-2, 8, 9 and 11 under 35 U.S.C. §102(b) as being anticipated by Gilhousen. To more particularly point out and distinctly claim the invention, applicants have amended claim 1 and have cancelled claims 2-4.

In order for a claim to be anticipated by a reference under 35 U.S.C. §102, all
20 elements of the claim must be taught or disclosed by that reference. In regards to the rejection of claim 1, the Office Action states that the Abstract, Co. 4, lines 38-61, and Co. 5, lines 52-62 of Gilhousen each disclose all the elements of claim 1, either as originally written. Applicants assert however that, either as originally written or as amended, these
25 cited sections do not teach the elements of claim 1. Specifically, none of these cited passages teach the element of that claim as amended of "providing an indication of a radio service requirement to the mobile station, wherein said paging message comprises the indication of the radio service requirement."

The Abstract simply teaches, in the cell-to-mobile link, the information
30 communicated over that link is "encoded, interleaved, bi-phase shift key (BPSK) modulated with orthogonal covering of each BPSK symbol along with quadrature phase shift (QPSK) spreading of the covered symbols." Thus, this section merely discloses a coding method of data sent to a mobile station. At no place does this cited section teach the claim element of "providing an indication of a radio service requirement to the mobile

station, wherein said paging message comprises the indication of the radio service requirement.”

Col 4, lines 38-61 of Gilhousen teaches “[i]n the moto-cell link, access and voice channels are defined.” Once again, this section goes on to state that these
5 communications are generally “encoded, interleaved, orthogonal signaling along with QPSK spreading.” At no place does this cited section teach the claim element of “providing an indication of a radio service requirement to the mobile station, wherein said paging message comprises the indication of the radio service requirement.”

Similarly, col. 5, lines 52-62 of Gilhousen teaches the use of a “pilot carrier”
10 signal by a cell site and further teaches that “[e]ach cell cite also transmits spread spectrum modulated information, such as cell-site identification, system timing, mobile paging information and various other control signals.” Although this section mentions the well-known concept of mobile paging, at no place does this cited section teach the claim element of “providing an indication of a radio service requirement to the mobile
15 station, wherein said paging message comprises the indication of the radio service requirement.”

For the foregoing reasons, the cited sections of Gilhousen do not teach a necessary claim element of claim 1, as amended. Accordingly, claim 1 is not anticipated by Gilhousen. It is therefore respectfully suggested that claim 1 is allowable over
20 Gilhousen. As a result, claims 5-12 are allowable over Gilhousen as being dependent upon an allowable base claim.

103(a) Rejection: Gilhousen in view of Sibecas

The Office Action next rejects claims 3-5 and 7 under 35 U.S.C. §103(a) as being
25 unpatentable over Gilhousen in view of Sibecas. As previously discussed, applicants have amended claim 1 and have cancelled claims 2-4. However, the amendment to claim 1 essentially incorporated the limitation of original claim 3 into original claim 1. Accordingly, applicants will address this rejection as if it applied to claims 1, 5 and 7.

In order for an invention to be obvious under 35 U.S.C. §103(a), there must be
30 some suggestion to combine or modify cited prior art references in a manner that would show or suggest the claimed invention. For the reasons discussed below, the Office Action fails to show that the invention as claimed is obvious over Gilhousen in view of Sibecas.

In regards to the rejection of claim 1, the Office Action states "Gilhousen discloses everything in claim 1 as applied above." For the foregoing reasons, as discussed in regards to the rejection under 35 U.S.C. §102(b), Gilhousen does not teach or suggest all elements of claim 1, either as originally written or as amended. The Office
5 Action next states that the cited sections of Sibecas teach the limitation of amended claim 1 "wherein said paging message comprises the indication of the radio service requirement. Applicants respectfully disagree. Sibecas in each of these sections mentions the well-known use of a paging system to establish a cellular call. However, at no place does Sibecas teach or suggest sending an indication of the radio service
10 requirement as a part of the paging message, as claimed in amended claim 1 of the present application.

Thus, the combination of Gilhousen and Sibecas does not teach the above cited claim element of amended claim 1, nor is there any suggestion to modify either Gilhousen and Sibecas to accomplish the teaching of that claim. Accordingly, claim 1 is
15 not obvious over Gilhousen in light of Sibecas and, accordingly, claim 1 is allowable over those references as combined. As a result, claims 5-12 are allowable over Gilhousen in light of Sibecas as being dependent upon an independent allowable claim.

The Office Action next rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Sibecas further in view of Takeuchi. The Office
20 Action also rejects claims 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Pohjakallio. However, since, for the forgoing reasons, claim 1 is allowable claims 6, 10 and 12 are allowable as being dependent upon an allowable base claim. Accordingly, these rejections are moot.

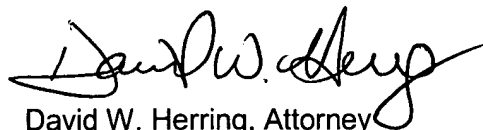
Applicants have added claim 13 to point out that the paging message is not the
25 only mechanism through which an indication of radio service requirements may be sent to the mobile station. Indeed, such a message can be sent at any other time. Neither Gilhousen or any of the other cited references disclose sending a message containing radio service requirements, such as a requirement for bandwidth allocation, to a mobile station, either in a paging message or otherwise. Accordingly, claim 13 is allowable over
30 the cited art.

In summary, applicants have amended claim 1, have deleted claims 2-4, and have added claim 13. No new matter has been introduced in the amendment to claim 1 or in new claim 13. The amendment to claim 1 merely added a limitation to claim 1 that was previously in claim 3. Claim 13 simply points out the aspect of the invention

discussed above. Support for this aspect can be found at page 3, lines 4 – 18 of the present application where it is clearly disclosed that a paging message is sent and then, at a later time, the radio service requirement is sent (at some point 8).

Accordingly, for the forgoing reasons, it is respectfully requested that all
5 rejections be removed and that claims 1 and 5-13 be allowed.

Respectfully,

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20 **Docket Administrator (Room 3J-219)**
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